IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6162 of 2004

Between:

Mohd.Jahangir Ali, S/o Mohd.Yassen Ali,
R/o H.No.17-8-462/D/11, Bagh-e-Jahra, Hyderabad.

..... PETITIONER

AND

1 The State of A.P. Secretary Home, Secretariat, Hyderabad.
2 The Commissioner of Police, Basheerbagh, Hyderabad.
3 The Assistant Commissioner of Police, Mir Chowk Police Station, Hyderabad.
4 The Station House Officer, Rein Bazar Police Station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more one in the nature of Writ of Mandamus, declaring the action of the respondents in opening a rowdy sheet against petitioner vide Letter No.202/OH/TRB/2003 as illegal, arbitrary and violative of Fundamental rights guaranteed under Article 21 of the Constitution of India

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

Petitioner questions the action of the respondents in opening a rowdy sheet against him vide letter No.202/0W/TRB/2003 as illegal, arbitrary and violative of fundamental rights of the petitioner guaranteed under Article 21 of the Constitution of India.

Under the Order 742 of A.P. Police Standing Orders, rowdy sheet can be opened against any single individual if he is a habitual offender involving the public peace.

As many as several cases pending against the petitioner.

Crime No.51/98 under Section 307 IPC & 27 of Arms Act of Dabeerpura Police Station was ended in acquittal vide S.C.No.319/98 on 4-1-1999 on the file of II Additional Metropolitan Sessions Judge Court,Hyderabad and Crime No.96/99 under Section 427, 332 IPC of Rein Bazar Police Station was ended in acquittal on 19-6-2002 vide C.C.No.196/ 2002 by XVI Metropolitan Magistrate Court, Hyderabad.

Crime No.97/99 for the offence under Section 147,448,324 IPC of Rain Bazar Police Station was compromised in Lok Adalat vide Criminal M.P.No.1018/2002 on 21-3-2002. In Crime No.89/99 for the offence under Sections 147,148,307 r/w. 149 IPC of Rein Bazar Police Station was also ended in acquittal in S.C.No. 104 of 2002 dated 27-06-2003 by the Metropolitan Sessions Judge Court,Hyderabad. One petty case No. 244 of 2001 under Section 70(B) of Commissioner of Police Act and 323 IPC of Dabeerpura Police Station was ended in conviction to pay a find of Rs.150/- vide STC No.110/2002 dated 1-3-2002 by the XVI Metropolitan Magistrate, Hyderabad. Another case in Crime No. 48/2003 under Section 307 IPC of Madannapet Police Station is pending trial vide PRC No.5/2004 on the file of XII Metropolitan Magistrate,Hyderabad.

Apart from the said pending case, another case is also pending against the petitioner in Crime No.46/2004 for the offence under Section 41(a) and 110(e) of Criminal Procedure Code of Rain Bazar Police Station and the petitioner was bound over for keeping good behaviour for a period of one year by the Divisional Executive Magistrate, Hyderabad.

Three cases were ended in acquittal and one case was compromised and another petty case was ended in conviction and in one case the petitioner was bound over for keeping good behaviour and apart from that the case where public peace is involved in PRC No.5 of 2004 on the file of XII Metropolitan Magistrate Court is also pending. Therefore, I am of the opinion that it cannot be said that the petitioner is not an habitual offender.

In view of the aforesaid facts and circumstances, I am of the opinion that no fundamental rights of the petitioner have been affected in opening and considering the said rowdy sheet of the petitioner.

Accordingly the Writ Petition is dismissed. However, this will not preclude the petitioner to make a representation as and when the pending criminal cases are acquitted or closed for closing down the rowdy sheet pending against him. No costs.

V.ESWARAIAH,J

16-03-2005

Stp

To

1 The State of A.P. Secretary Home, Secretariat, Hyderabad.
2 The Commissioner of Police, Basheerbagh, Hyderabad.
3 The Assistant Commissioner of Police, Mir Chowk Police Station, Hyderabad.
4 The Station House Officer, Rein Bazar Police Station, Hyderabad.

5. 2 CCs to G.P. for home,A.P.High Court Buildings,Hyderabad.(OUT)

6. 2 CD copies